

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Kingsman et al.  
Serial No. : 10/016,686  
For : ANTIBODIES  
Filed : November 2, 2001  
Examiner : To Be Assigned  
Art Unit : To Be Assigned

STM (S2)  
9/17/03

745 Fifth Avenue  
New York, NY 10151

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

Saddam Ahmed

(Typed or printed name of person mailing paper or fee)

S. Ahmed

(Signature of person mailing paper or fee)

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RESPONSE TO NOTICE

Commissioner for Patents  
Washington, D.C. 20231  
Attention: Licensing and Review

Dear Sir:

Enclosed please find a declaration under 37 C.F.R. § 1.68 submitted in response to the notice mailed on April 25, 2002 and for which a response was timely filed on June 5, 2002. A copy of the notice is enclosed.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

Thomas J. Kowalski

By: Thomas J. Kowalski  
Reg. No. 32,147  
(212) 588-0800

PATENT  
674523-2012

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**DECLARATION UNDER 37 C.F.R. § 1.68**

Commissioner for Patents  
Washington, D.C. 20231  
Attention: Licensing and Review

Dear Sir:

We, Alan KINGSMAN, Susan Mary KINGSMAN, Christopher Robert BEBBINGTON, Miles William CARROL, Fiona Margaret ELLARD and Kevin Alan MYERS, all citizens of Great Britain, with addresses of Oxford Biomedica Limited, Medawar Centre, Robert Robinson Avenue, The Oxford Science Park, Oxford OX4 4GA, GB for Alan Kingsman, Susan Mary Kingsman, Miles William Carrol, Fiona Margaret Ellard and Kevin Alan Myers, and an address of Coulter Pharmaceutical Inc., 600 Gateway Boulevard, South San Francisco, CA 94080 for Christopher Robert Bebbington, declare:

- I. That we made and conceived this invention while employed by Oxford Biomedica; that the invention is related to the work we are employed to perform and was made within the scope of our employment duties; that the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of Oxford Biomedica.
- II. That to the best of our knowledge and belief the invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or

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arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

- III. That the invention relates to antibodies, alternatively in combination with radiation therapy utilized for the destruction of tumors, and that the invention is not useful in the production or utilization of special nuclear material or atomic energy.

The undersigned inventors declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature:

Full name of sole or first inventor:

Residence:

Citizenship:

Alan KINGSMAN

Oxford BioMedica Limited, Medawar Centre,  
Robert Robinson Avenue, The Oxford Science Park, Oxford  
OX4 4GA

Date:

13/6/2002

Signature:

Full name of 2nd joint inventor (if any):

Residence:

Citizenship:

Susan Mary KINGSMAN

Oxford BioMedica Limited, Medawar Centre,  
Robert Robinson Avenue, The Oxford Science Park, Oxford  
OX4 4GA

Date:

19/6/2002

Signature:

Full name of 3rd joint inventor (if any): Christopher Robert Bebbington

Residence:

Citizenship:

Coutler Pharmaceutical Inc., 600 Gateway Boulevard,  
South San Francisco, CA 94080

Date:

26/JUN/2002

Signature:

Full name of 4th joint inventor (if any): Miles William CARROL

Date:

11/06/02

PATENT  
674523-2012

Residence: Oxford BioMedica Limited, Medawar Centre,  
Robert Robinson Avenue, The Oxford Science Park, Oxford  
OX4 4GA

Citizenship: GB

Signature: Fiona Margaret ELLARD Date: 11-6-02

Full name of 5th joint inventor (if any): Fiona Margaret ELLARD  
Residence: Oxford BioMedica Limited, Medawar Centre,  
Robert Robinson Avenue, The Oxford Science Park, Oxford  
OX4 4GA

Citizenship: GB

Signature: Kevin Alan MYERS Date: 11/06/02

Full name of 6th joint inventor (if any): Kevin Alan MYERS  
Residence: Oxford BioMedica Limited, Medawar Centre,  
Robert Robinson Avenue, The Oxford Science Park, Oxford  
OX4 4GA

Citizenship: GB



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|---------------|-------------|-----------------------|------------------|
| 10/016,686    | 11/02/01    | KINGSMAN, ET AL.      | 674523-2012      |

AM 11/17 3 A.M. 30

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE - 10<sup>TH</sup> FLG., LLP  
NEW YORK, NY 10151

EXAMINER

ART UNIT PAPER NUMBER

PATENT & TRADEMARK OFFICE

DATE MAILED: MAILED

APR 25 2002

LICENSING & REVIEW

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A  
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

"have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

**IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.**

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE  
ATTENTION OF LICENSING AND REVIEW**